

1. This is a civil action brought by the United States pursuant to Sections 107 and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9607 and 9613 ("CERCLA"). In this action, the United States seeks to recover past costs that it has incurred under Section 104 of CERCLA, 42 U.S.C. § 9604, for response activities taken as a result of releases or threatened releases of hazardous substances into the environment at or from the Chase Brass & Copper Superfund Site in Watertown, Connecticut (the "Site").

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to Sections 107(a) and 113(b) of CERCLA, 42 U.S.C. §§ 9607(a) and 9613(b), and pursuant to 28 U.S.C. §§ 1331(a), 1345, and 1355.

3. Venue is proper in this District pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), and pursuant to 28 U.S.C. § 1391(b) and (c), because the releases or threatened releases of hazardous substances that give rise to these claims occurred in the District of Connecticut, and because the Site is located in the District of Connecticut.

DEFENDANTS

4. Defendant The Standard Oil Company ("Standard Oil"), incorporated in the State of Ohio, is a corporate successor to a former owner or operator of the Site.

5. Defendant Industrial Holdings Corporation ("Industrial Holdings"), incorporated in the State of New York, is a corporate successor to a former owner or operator of the Site.

THE STATUTORY SCHEME

6. Section 104(a)(1) of CERCLA provides, in pertinent part:

Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment. . . .

42 U.S.C. § 9604(a)(1).

7. The term "release" is defined in Section 101(22) of CERCLA to include:

any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant). . . .

42 U.S.C. § 9601(22).

8. "Hazardous substance," as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), includes hazardous wastes and other chemicals and substances designated under specified environmental statutes and regulations.

9. Once EPA has determined that there is a release or a substantial threat of release of a hazardous substance that warrants a response action, EPA may undertake the response action(s) itself and later seek reimbursement from the responsible parties through a cost recovery action under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

10. Section 107(a) of CERCLA provides, in pertinent part, that:

- (1) the owner and operator of a vessel or a facility,
- (2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,
- (3) any person who by contract, agreement or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility or incineration vessel owned or operated by another party or entity and containing such hazardous substances, and
- (4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities, incineration vessels or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for –
 - (A) all costs of removal or remedial action incurred by the United States Government . . . not inconsistent with the national contingency plan . . .

42 U.S.C. § 9607(a).

11. "Person," as used in CERCLA, includes, inter alia, "an individual, firm, corporation, association, partnership, . . . commercial entity" 42 U.S.C. § 9601(21).

12. "Facility," as used in CERCLA, is defined to mean:

(A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located

42 U.S.C. § 9601(9).

THE CHASE BRASS SITE

13. The Chase Brass & Copper Superfund Site is located on the western shore of the Naugatuck River in Watertown, Litchfield County, Connecticut. The Site encompasses approximately 5 acres of steeply sloped land immediately adjacent to the Naugatuck River.

14. From approximately 1868 to approximately 1975, Chase Brass & Copper Company, Inc. owned and operated a manufacturing facility at which it forged copper and brass products such as sheet, rod and wire.

15. At times relevant hereto, Chase Brass & Copper Company, Inc. generated wastes containing hazardous substances, within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), that were disposed of at the Site.

16. At times relevant hereto, Chase Brass & Copper Company, Inc. disposed of wastes containing hazardous substances, within the meaning of Section 101(29) of CERCLA, 42 U.S.C. § 9601(29), at the Site.

17. EPA testing of the soils at the Site indicated the presence of hazardous substances, within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), including, but not limited to, heavy metals such as chromium, copper, lead, nickel, and zinc.

18. In 2000 EPA undertook a removal action at the Site which necessitated, among other things, excavation and consolidation of the industrial wastes at the Site, capping of the Site with clean soils, revegetation of the soil cap, and stabilization of the bank of the Naugatuck River.

19. In undertaking the removal action at the Site, EPA incurred response costs.

GENERAL ALLEGATIONS

20. The Site is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

21. At times relevant hereto, Chase Brass & Copper Company, Inc. was an owner or operator of the Site within the meaning of Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2).

22. Standard Oil and Industrial Holdings (collectively, "the defendants") are persons within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

23. Standard Oil acquired certain assets and liabilities relevant to this action from Chase Brass & Copper Company, Inc, and therefore is a liable person under Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2).

24. Industrial Holdings acquired certain assets and liabilities relevant to this action from Chase Brass & Copper Company, Inc, and therefore is a liable person under Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2).

25. At times relevant to this action, there were releases and threatened releases of hazardous substances into the environment at and from the Site within the meaning of Sections 101(14) and 101(22) of CERCLA, 42 U.S.C. §§ 9601(14) and 9601(22).

26. The releases and threatened releases of hazardous substances at or from the Site have caused the United States to incur "response costs," as defined by Sections 101(25) of CERCLA, 42 U.S.C. § 9601(25), in connection with the Site.

27. The United States incurred response costs, pursuant to Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1) in responding to the release or threatened release of hazardous substances at or from the Site.

28. The response actions taken by the United States in connection with the Site are not inconsistent with the National Contingency Plan ("NCP"), 40 C.F.R. Part 300.

CLAIM FOR RELIEF

29. Paragraphs 1 through 28 are repeated and realleged as though fully set forth herein.

30. Pursuant to CERCLA § 107(a)(2), 42 U.S.C. § 9607(a)(2), defendant Standard Oil acquired the liabilities of Chase Brass & Copper Co. which owned, operated, and generated hazardous substances at the time hazardous substances were disposed of at the Site, and is jointly and severally liable to the United States for the costs that the United States incurred in response to such release or threatened release at the Site.

31. Pursuant to CERCLA § 107(a)(1), 42 U.S.C. § 9607(a)(1), defendant Industrial Holdings acquired the liabilities of Chase Brass & Copper Co. which owned, operated, and generated hazardous substances at the time hazardous substances were disposed of at the Site,

and is jointly and severally liable to the United States for the costs that the United States incurred in response to such release or threatened release at the Site.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff United States prays that this Court:

1. On the Claim for Relief, enter judgment against defendants Standard Oil and Industrial Holdings, jointly and severally, and in favor of the United States for past response costs incurred by the United States in connection with the Site;
2. Award the United States the costs of this action, including its attorney's fees and other enforcement costs; and
3. Grant such other and further relief as this Court deems just.

Respectfully submitted,

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